

EXHIBIT

A-2

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**Eastern Contractors, Inc.**

571 Union Ave  
Framingham, MA 01702

Phone: 508-820-1101  
Fax: 508-879-9633

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December 9, 2002

The Design Partnership of Cambridge

Phone: 617-241-9800  
Fax: 617-241-5143

500 Rutherford Ave  
Charlestown, MA 02129

Attn: David Capaldo

Project: New Wetherbee Elem. & Middle Schl.  
Sub: COP # 84R/Excess Ledge Removal @ "A"

Project #: 9902  
Job #: 900

Dear Mr. Capaldo,

Enclosed please find COP#84R for Trench Ledge Removal in Building A and Site, please process in the next Change Order.

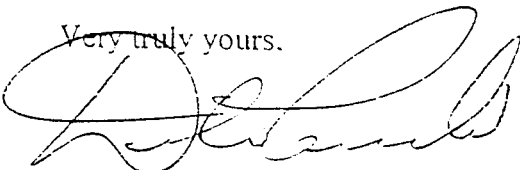
In response to your November 26, 2002 letter, I find that the summary total of 562.13 cubic yards of trench excavation is not CORRECT, to date we have been Approved, Billed and Paid for a total of 612.46 c. y. or \$ 27,561.60 with 37.54 c. y. balance to bill, the attached 24.88 c.y. from the attached will be billed in our next requisition, leaving a balance to complete of 12.66 c.y.

I am at this time requesting an extension of time of 10 days to perform this additional work.

ECI reserves the rights to renegotiate in accordance to MGL.....

Should you have any questions on this matter, please do not hesitate to call me.

Very truly yours,



Dante Cornelio  
Project Engineer

CC: T. Kmiec-ECI, Tim Bell-Bayside  
Encl. S&R Slips

## QUANTITY SURVEY AND ESTIMATING SUMMARY

PROJECT Wetherbee Elementary/Middle School  
 CONSTRUCTION MANAGER Tishman Construction Co.  
 OWNER City of Lawrence  
 ARCHITECT The Design Partnership of Cambridge  
 CONTRACTOR EASTERN CONTRACTORS, INC.  
 DATE 11/15/2002 (Revised 12/9/02)  
 SUBJECT Excess Ledge Removal Building "A"  
 C.O.P. # 84R  
 SHEET # 1  
 TIME EXTENSION 10 DAYS

GC Description of Work	QTY	UNIT	UNIT PRICE		COST	
			LABOR	MATERIAL	LABOR	MATL. TOTAL
					0.00	0.00 0.00
					0.00	0.00 0.00
					0.00	0.00 0.00
					0.00	0.00 0.00
					0.00	0.00 0.00
					0.00	0.00 0.00
					0.00	0.00 0.00
					0.00	0.00 0.00

## Non-Filed Sub Proposal

S&amp;R Constr. Inc.

\$ 7,870.94

0.00

0.00

0.00

## Misc. Cost

High Lift Rental					0.00	0.00 0.00
LULL+Operator	Hrs				0.00	0.00 0.00
UNLOADING	HRS				0.00	0.00 0.00
CLEANUP	Hrs	\$ 28.90	\$ -		0.00	0.00 0.00
DUMPSTER	LS		\$ -		0.00	0.00 0.00
MISC. TRUCKING	LS		\$ -		0.00	0.00 0.00

GC / Non Filed Sub Totals

\$0.00 0.00 \$ 7,870.94

PAYROLL TAXES &amp; INSURANCE=25% OF LABOR

0.00

SUBTOTAL (GC)

\$ 7,870.94

Non Filed sub O/P @20%

0.00

Total Filed Subcontractors Proposal(s)

0.00

GC O/P @ 7% of Filed Sub Proposal

0.00

BOND (G.C/SUB) @1% of Cost

0.00

Total Cost Proposal

\$ 7,870.94

## NOTES:

1. WE CANNOT PROCEED WITHOUT WRITTEN APPROVAL. THIS PROPOSAL IS GOOD FOR TWENTY ONE DAYS ONLY. INCREASES IN LABOR, MATERIALS, TRAVEL CHRGES, ETC. OCCURING TWENTY ONE DAYS AFTER THE DATE OF THIS PROPSAL WILL HAVE TO BE ADDED TO THIS C.O.P.
2. UNLESS OTHERWISE NOTED IMPACT COSTS CANNOT BE DETERMINED AT THIS TIME.
3. THIS PROPOSAL DOES NOT INCLUDE ANY AMOUNTS FOR CHANGES IN SEQUENCE OF WORK, DISRUPTIONS, INTERFERENCES AND/OR IMPACT COSTS. THE RIGHT IS EXPRESSLY RESERVED TO MAKE CLAIMS FOR ANY AND ALL OF THESE RELATED ITEMS.
4. DOES NOT INCLUDE CUTTING & PATCHING OR BLOCKING BY ECI
5. Does not included remediation of contaminated soils

## QUANTITY SURVEY AND ESTIMATING SUMMARY

PROJECT Wetherbee Elementary/Middle School  
CONSTRUCTION MANAGER Tishman Construction Co.  
OWNER City of Lawrence  
ARCHITECT The Design Partnership of Cambridge  
CONTRACTOR EASTERN CONTRACTORS, INC.  
DATE 11/15/2002 (Revised 12/9/02)  
SUBJECT Excess Ledge Removal Building "A"  
C.O.P. # 84R  
SHEET # 2  
TIME EXTENSION 10 DAYS

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S&R Constr. Inc. (Trench)	204.44 cy	38.50 \$	7,870.94
	1		0.00
	1 ls		0.00
	1 ls		0.00
	1 ls		0.00
	1 ls		0.00

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TOTAL		\$	7,870.94
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# Designpartnership

OF CAMBRIDGE INC.

## Memo

Date: 12/06/02  
Project Name/Number: New Wetherbee School  
From: David Capaldo  
To: Dante Cornelio  
Subject: COP #84  
Copies to: Tim Bell

Post-it Fax Note 7671		Date	# of pages
To	THUR C	From	VANS C
Co./Dept.	ECT	Co.	APC
Phone #		Phone #	
Fax	CO. HANSON	Fax #	

HOOD BUSINESS PARK  
500 RUTHERFORD AVENUE  
CHARLESTOWN, MA 02129

T617.241.9800

F617.241.5143

WWW.TDPC.COM

ARCHITECTURE  
PROGRAMMING  
MASTER PLANNING  
INTERIOR DESIGN

Dante,

I have reviewed the attached COP #84 and offer the following comments:

This proposal is not acceptable due to the following:

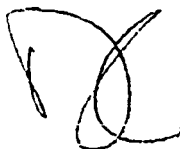
- The ledge removed was not "trench" ledge but actually general ledge excavation. The slips indicated dimensions that appear to be trench removal, but they were done that way for ease of identifying quantities. The actual area of removal is one large area that is considered "general" removal. Therefore the pricing for this should be revised to indicate a per cubic yard cost for general excavation as indicated in the spec. (see attached correspondence from Bayside Engineering)

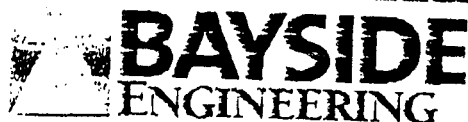
Be advised that to date we have still not reached our based bid quantity for "trench" excavation.

- No additional time will be approved for this work at this time.

Please revise and resubmit ASAP.

Thank you.





November 26 2002

Mr. Dave Capaldo  
Design Partnership of Cambridge  
500 Rutherford Ave  
Charlestown, Ma 02129

RE: COP #84

Dear Mr. Capaldo,

Prior to reviewing COP # 84, a review of the specification and current quantities of ledge excavated indicates that the quantity of trench excavation to date is 537.23 cubic yards, see attached. Additionally, as indicated in the specification, to be classified as trench excavation the width needs to be less than twice the depth and is not to exceed 10 feet.

After review of COP # 84 Excess Ledge Removal, it should be corrected as follows to be made consistent with field observations:

Invoice # 455 is 132 cubic yard- This is general excavation per the specification because areas are adjacent to each as shown in plan view. The reason the total area was broken down into A,B, and C is to facilitate measurement and calculation.

Invoice # 944 is 72.44 cubic yards- This is general excavation per the specification because areas are adjacent to each as shown in plan view. The reason the total area was broken down into smaller areas is to facilitate measurement and calculation.


Invoice # 124 is 20.88 cubic yards- This is trench excavation because the width is less than two times the depth.

Invoice # 454 is 4 cubic yards- This is trench excavation because the width is less than two times the depth.

In summary, the total amount of ledge excavation represented herein is 204.44 cubic yards of general ledge excavation and 24.88 cubic yards of trench excavation. The total amount of trench excavation to date is 562.13 cubic yards.

Sincerely yours,

BAYSIDE ENGINEERING INC.



Tim Bell,  
Project Manager

**Quantities of Rock Excavated - Trench**

<u>Date/s</u>	<u>Location</u>	<u>Quantity(cubic yards)</u>	<u>Status</u>
12/28/2001	Site wall-north of building	68.00	Allowance(Pay. App. #5)
1/18/02 and 1/21/02	Site wall-south of building and CB-1	87.82	Allowance(Pay. App. #5) - Not Trench
1/22/2002	Site wall-south of building and CB-1	90.25	Allowance(Pay. App. #5) - Not Trench
1/24/2002	Utility trench between DMH-2 + DMH-3	42.00	Allowance(Pay. App. #7)
1/29/2002	Utility trench between DMH-2 + DMH-3	61.40	Allowance(Pay. App. #7)
2/1/2002	Utility trench-water main + electric- north of building	64.81	Allowance(Pay. App. #7)
2/6/2002	Utility trench- water+storm from CB-1 East	107.85	Allowance(Pay. App. #7)
3/12/2002	Water main-north side of the site	1.77	Allowance(Pay. App. #7)
3/26/2002	Under slab plumbing trench segment B go to segment A	13.33	Allowance(Pay. App. #7)

TRENCH LEDGE REMOVED TO DATE:

537.23

Cubic Yards

# JOB INVOICE

**S & R CONSTRUCTION CO., INC.**

60 DYERVILLE AVENUE  
JOHNSTON, R.I. 02919  
401-831-6337 • 401-831-6338

No. 455

TO Town of Lawrence  
ADDRESS Wetherbee School  
ATTENTION John

DATE ORDERED 10/18/02 ORDER TAKEN BY [Signature]  
PHONE NO. 508 7350336 CUSTOMER ORDER NO.   
JOB LOCATION Wetherbee School  
JOB PHONE 508 7350336 STARTING DATE 10/8/02  
TERMS

QTY.	MATERIAL	UNIT	AMOUNT
	PER ATTACHED DRAWING		
	AREA = SOUTH OF EXISTING FACADE		
	5.5 X 7.0 X 27'-0"		
+	5.5 X 7.0 X 27'-0"		
	4.25 X 11.0 X 32'-0"	= 56.41 cu yds	
		GEN. LEDGE	
	= 3575 FT <sup>3</sup>		
	= 132 cu yds		
	<u>General</u>		
	This is General Ledge excavation when		
	WIDTH > 10'-0" OR		
	WIDTH > 2 x DEPTH.		

DESCRIPTION OF WORK  
LEDGE EXCAVATION  
Porting for School  
Chain Ramp

MISCELLANEOUS CHARGES

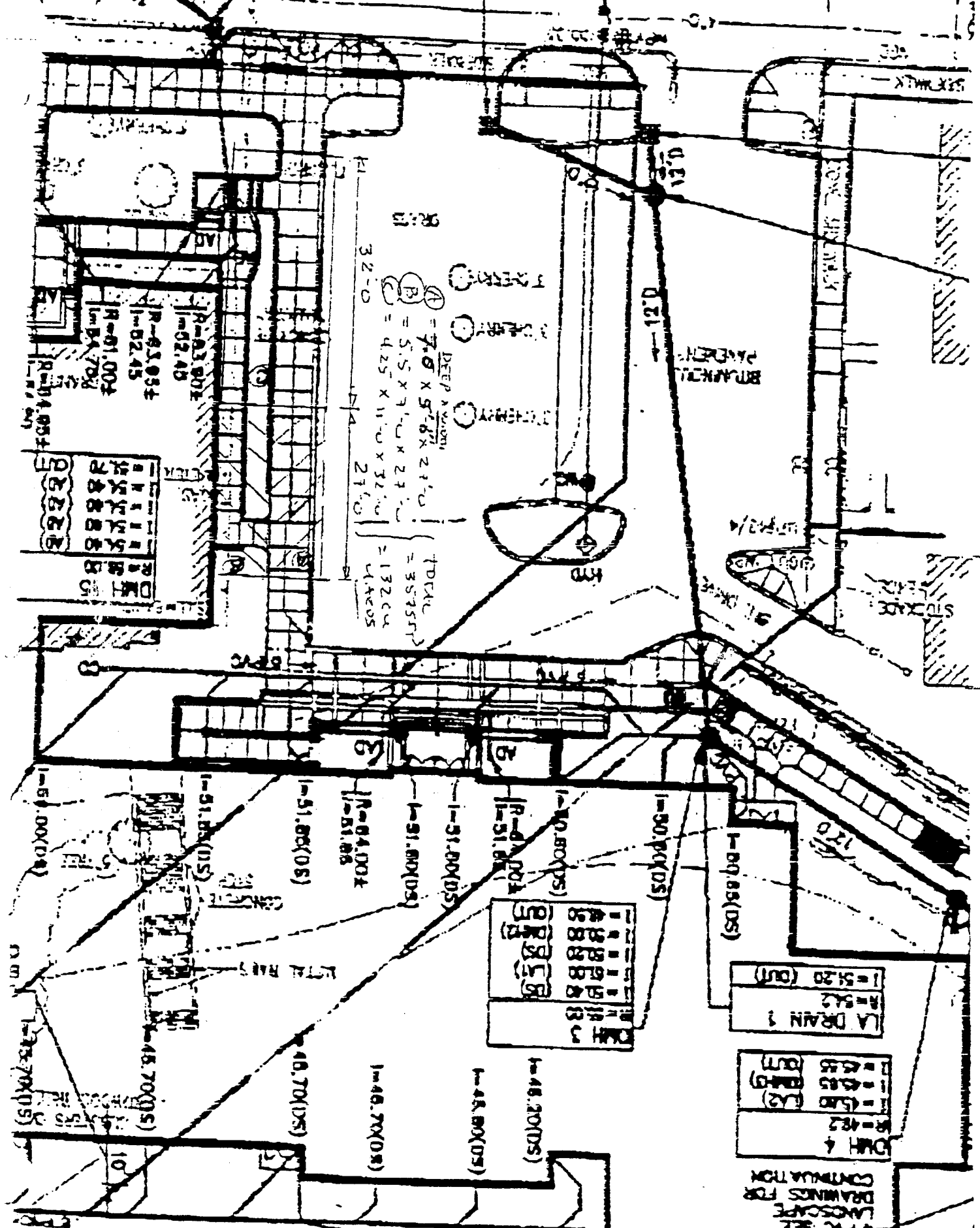
LABOR	HRS.	RATE	AMOUNT

WORK ORDERED BY \_\_\_\_\_  
DATE ORDERED \_\_\_\_\_  
DATE COMPLETED \_\_\_\_\_

TOTAL LABOR	
TOTAL MATERIALS	
TOTAL MISCELLANEOUS	
SUBTOTAL	
TAX	
GRAND TOTAL	

CUSTOMER APPROVAL SIGNATURE John Keller FOR & BY  
AUTHORIZED SIGNATURE \_\_\_\_\_











# JOB INVOICE

**S & R CONSTRUCTION CO., INC.**

60 DYERVILLE AVENUE  
 JOHNSTON, R.I. 02913  
 401-831-6337 • 401-831-6336

No. 124

TO: 11th St. & Lincoln  
 ADDRESS: 0 11  
 ATTENTION: \_\_\_\_\_

DATE ORDERED: \_\_\_\_\_  
 PHONE NO.: \_\_\_\_\_  
 JOB LOCATION: Wetherbee School  
 JOB PHONE: \_\_\_\_\_  
 TERMS: \_\_\_\_\_  
 ORDER TAKEN BY: James P. Smith  
 CUSTOMER ORDER NO.: \_\_\_\_\_  
 STARTING DATE: \_\_\_\_\_

QTY	MATERIAL	UNIT	AMOUNT
	L X W X D		
1	15.75 X 4.5 X 4.0	= 301.5 ft <sup>3</sup>	
	L X D X W		
1	15.0 X 5.5 X 5	= 262.5 ft <sup>3</sup>	
	TOTAL		564 ft <sup>3</sup>

DESCRIPTION OF WORK:  
HYDRANT LINE TO NEW TANK  
SOUTH EAST CORNER  
LEAD REPAIR

20-88 CORDS

MISCELLANEOUS CHARGES:

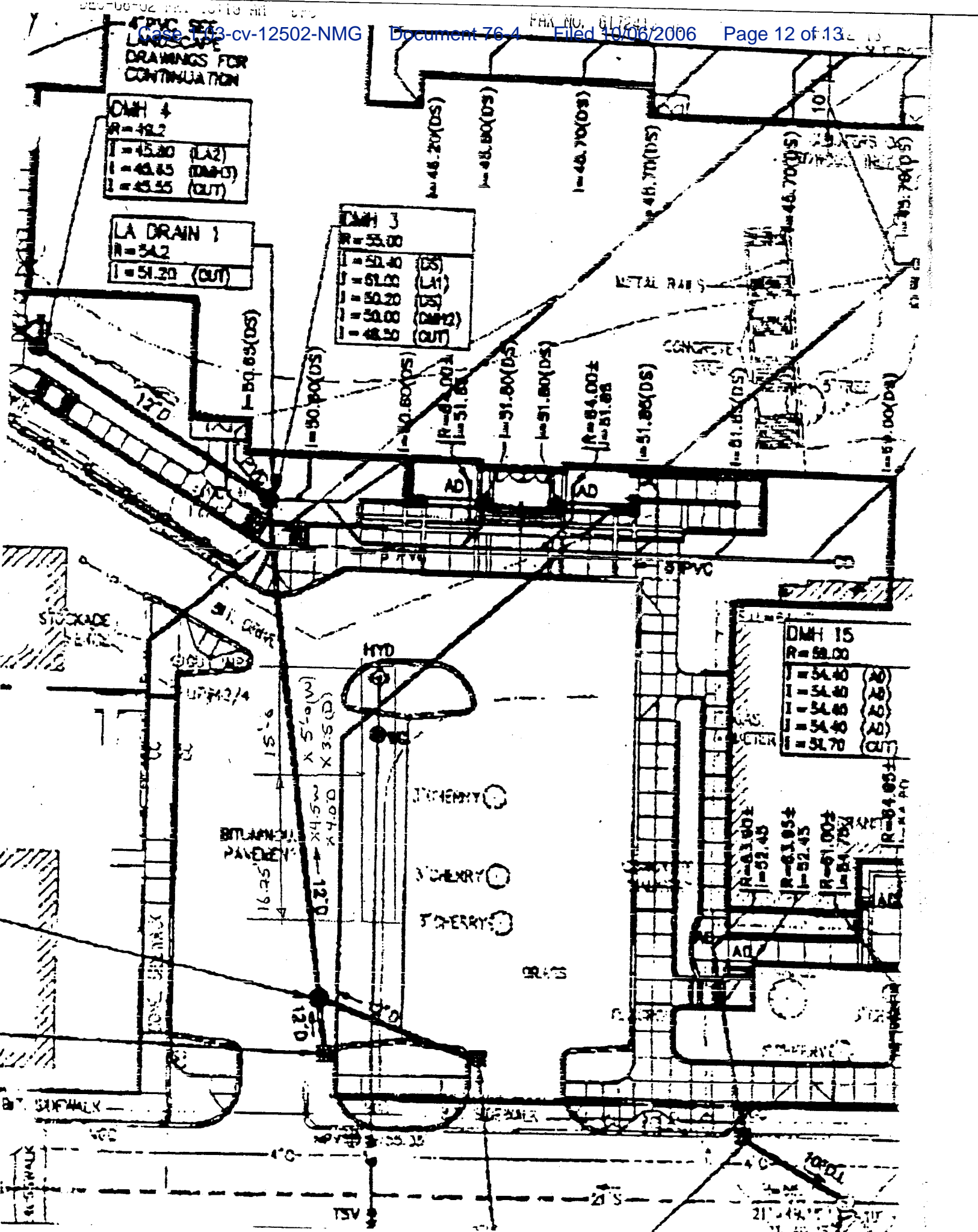
WIDTH DOES NOT EXCEED  
 2 TIME DEPTH ∴ TRENCH  
 EXCAVATION

LABOR	HRS	RATE	AMOUNT

WORK ORDERED BY: \_\_\_\_\_  
 DATE ORDERED: \_\_\_\_\_  
 DATE COMPLETED: \_\_\_\_\_

CUSTOMER APPROVAL SIGNATURE: [Signature]  
 AUTHORIZED SIGNATURE: \_\_\_\_\_

TOTAL LABOR	
TOTAL MATERIALS	
TOTAL MISCELLANEOUS	
SUBTOTAL	
TAX	
GRAND TOTAL	



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2.2

No. 454

DATE ORDERED	9/25/02	ORDER TAKEN BY	James D
PHONE NO.		CUSTOMER ORDER NO.	
JOB LOCATION			
JOB PHONE			
TERMS		STARTING DATE	9/25/02

DESCRIPTION OF WORK

66.42

Hammer out ledge  
under roof beam structure  
DMH 114

**MISCELLANEOUS CHARGES**

**SECRET** **HHS RATE ASSISTANT**

TOTAL LABOR	
TOTAL MATERIALS	
TOTAL MISCELLANEOUS	
SUBTOTAL	
TAX	
GRAND TOTAL	

FOR STUDY  
VERIFICATION  
ONLY.

# JOB INVOICE